

## Lay on the Table

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### Research References

- 5 Hinds §§ 5389–5442
- 8 Cannon §§ 2649–2660
- 7 Deschler Ch 23 §§ 9–13
- Manual §§ 445, 782, 785

### § 1. In General; Effect

The motion to table (or, under the more formal terminology of the Rule XVI clause 4, to “lay on the table”) is used to adversely dispose of a proposition pending in the House. Deschler Ch 23 § 9.1. *Manual* § 785. The table referred to in Rule XVI is the Clerk’s table, not the Speaker’s table. 5 Hinds § 5389 (note).

The language “to lay on the table”—to the extent that it implies that the tabled matter is only temporarily in abeyance—is misleading. The motion is not used simply to put aside a pending matter. The action of the House in adopting the motion to table a proposition is equivalent to a final adverse disposition thereof (Deschler Ch 23 § 9.1), and does not merely represent a refusal to consider it. 95–2, Aug. 15, 1978, p 26204. In this respect the House practice differs from general parliamentary usage, which permits the use of the motion to temporarily suspend consideration of a matter. Under the modern practice in the House, a tabling action is ordinarily as much a final adverse decision as a negative vote on the passage of a bill. 5 Hinds § 6540 (note). With few exceptions, matters laid on the table may be taken therefrom only by unanimous consent or by a motion to suspend the rules. § 8, *infra*. The pending proposition being disposed of finally and

adversely, the adoption of the motion may have the effect of depriving a Member of his right to debate a proposition he has offered. Deschler Ch 23 § 9.2.

If the House rejects the motion to table a proposition, the proposition is before the House for disposition. Deschler Ch 23 §§ 9.19, 12.3.

## **§ 2. When in Order**

The motion to table is in order only in the House; it is not in order in the Committee of the Whole (4 Hinds §§ 4719, 4720; 8 Cannon §§ 2330, 2556a; Deschler Ch 23 §§ 9.29, 9.30; 104–1, Mar. 16, 1995, p \_\_\_\_ ) and does not apply to motions to go into the Committee of the Whole (6 Cannon § 726). It is not applicable to propositions which are neither debatable nor amendable. *Manual* § 785.

A motion to table a proposition is in order after the proposition is called up for consideration but before debate thereon. 95–2, July 13, 1978, p 20606; 98–2, Oct. 4, 1984, p 30042. The motion is in order before the Member entitled to prior recognition for debate on the pending proposition has begun his remarks. 5 Hinds §§ 5393–5395; 6 Cannon § 412; 8 Cannon § 2649. The motion comes too late after the Chair has put the question on the pending proposition and asked for a vote. 96–1, Sept. 20, 1979, p 25512. The motion is in order after the previous question has been moved on the pending proposition, but may not be made after the previous question has been ordered (5 Hinds §§ 5415–5422; 8 Cannon § 2655; Deschler Ch 23 § 9), or after the yeas and nays have been ordered thereon (5 Hinds § 5408).

## **§ 3. Precedence**

### **Generally**

The motion to table is a preferential motion and is said to be of high privilege. Deschler Ch 23 §§ 9, 11.2. It yields to the motion to adjourn (*Manual* § 782; Deschler Ch 23 § 9) and to the question of consideration (5 Hinds § 4943). Under the rules of the House, however, it enjoys precedence over the motions for the previous question, to postpone, to refer, or to amend. Rule XVI clause 4 (*Manual* § 782). A motion to table a measure is thus of higher privilege than a motion to refer the measure to a committee. 5 Hinds § 5303; Deschler Ch 23 § 12.5.

### **As Related to the Motion for the Previous Question**

Pending the ordering of the previous question on a proposition which is under debate, the motion to table the proposition is preferential and is voted on first. Deschler Ch 23 §§ 9.11, 12.1; *Manual* § 785. Although a mo-

tion to table is not in order after the previous question has been ordered on a pending proposition (5 Hinds §§ 5415–5422), if the previous question is voted down, the motion to table again becomes in order (Deschler Ch 23 § 9.21) and is preferential (Deschler Ch 23 § 12.2).

#### § 4. Application to Particular Propositions

##### Generally; Bills and Resolutions

The motion to table has been held specifically applicable to:

- A House bill. 5 Hinds § 5426.
- A House bill with Senate amendments. 5 Hinds § 6140.
- A vetoed bill. 4 Hinds § 3549.
- A House resolution and an amendment thereto. 5 Hinds § 6139.
- A series of resolutions on a particular subject. 5 Hinds § 6138.
- A privileged resolution. 95–2, July 13, 1978, p 20606.
- A resolution proposing an impeachment (Deschler Ch 23 § 9.14) or authorizing an impeachment investigation (6 Cannon § 541).
- A resolution raising a question of the privileges of the House. 6 Cannon § 560; Deschler Ch 23 § 9.25.
- A resolution to expel a Member. 94–2, Oct. 1, 1976, p 35111.
- A resolution establishing a select committee. Deschler Ch 23 § 9.22.
- A resolution of inquiry adversely reported from committee. Deschler Ch 23 § 9.17.
- A resolution providing for adjournment *sine die*. Deschler Ch 23 § 9.10.
- An appeal from a decision of the Speaker. 8 Cannon § 3453; Deschler Ch 23 § 9.3.

##### Special Orders

Special orders of business reported from the Committee on Rules and called up under clause 4(b) of Rule XI, are not subject to the motion to table, as that rule prohibits dilatory motions. *Manual* § 729b. However, after rejection of the previous question, the motion to table has been applied to a resolution providing a special order. Deschler Ch 23 § 9.23.

The motion to table may not be applied to a resolution providing a special order if the resolution is before the House under the operation of the discharge rule, because such rule prohibits such intervening motion. Deschler Ch 23 § 9.28.

##### Conference Reports

In the later practice, the motion to table has not been applied to conference reports on bills in disagreement between the Houses, since this would carry the entire bill and amendments of the other House to the table

and would leave no opportunity for the House and Senate to have a second conference. 5 Hinds §§ 6539, 6540. See *Manual* § 785.

### § 5. Application to Particular Motions

The motion to table is applicable to debatable secondary motions for the disposal of another matter (*Manual* § 785), such as a motion to refer (5 Hinds § 5433; 97–2, Aug. 13, 1982, p 20978), or a motion to recede and concur in a Senate amendment in disagreement. 95–2, Feb. 22, 1978, p 4072. The motion has been held specifically applicable to:

- A motion to approve the Journal. Deschler Ch 23 § 9.11.
- A motion to postpone to a day certain. 8 Cannon §§ 2654, 2657.
- A motion to rerefer a bill to a committee. Deschler Ch 23 § 9.12.
- A motion to instruct conferees. Deschler Ch 23 §§ 9.7, 9.8.
- A motion to reconsider a vote. 8 Cannon §§ 2652, 2659; 95–2, Apr. 20, 1978, p 10990.

The motion to table may not be applied to a motion relating to the order of business (Deschler Ch 23 § 9.27), nor to any motion which is neither debatable nor amendable (Deschler Ch 23 § 9.26). The motion is inapplicable to:

- Motions for the previous question. 5 Hinds §§ 5410, 5411; 103–2, Oct. 4, 1994, p \_\_\_\_.
- Motions to dispose of measures on which the previous question has been ordered. 8 Cannon §§ 2653, 2655.
- Motions to recommit made after the ordering of the previous question. 5 Hinds §§ 5412–5414; 8 Cannon §§ 2653, 2655.
- Motions to dispense with further proceedings under a call of the House. 87–2, Aug. 27, 1962, pp 27651–54; Deschler Ch 23 §§ 9.26, 12.4.
- Motions to go into the Committee of the Whole. 5 Hinds § 5404; 6 Cannon § 726.
- Motions limiting the time for debate. 5 Hinds § 5403.
- Motions to suspend the rules. 5 Hinds §§ 5405, 5406; Deschler Ch 23 § 9; *Manual* § 785.
- Motions to proceed to the consideration of a disapproval resolution. Deschler Ch 23 § 11.3.
- Motions that when the House adjourn it stand adjourned until a day and time certain. *Manual* § 785.
- Motions to adjourn. 101–2, Aug. 3, 1990, p \_\_\_\_.

The motion to table may not be applied to a motion to discharge a committee under clause 3, Rule XXVII (Deschler Ch 23 § 9.16) unless the proposition before the committee is a vetoed bill (Deschler Ch 23 § 9.15) or a resolution of inquiry. 5 Hinds § 5407; 6 Cannon § 415; *Manual* § 785.

## § 6. Offering the Motion; Debate and Disposition

### Generally; Debate

The motion to table, although customarily made orally from the floor, is subject to a timely demand that it be in writing. Deschler Ch 23 § 10.1.

MEMBER: Mr. Speaker, I move to lay the \_\_\_\_\_ [*proposition*] on the table.

The motion to table is not debatable. Rule XVI clause 4; 5 Hinds § 5301; 6 Cannon § 412; 8 Cannon § 2465; Deschler Ch 23 § 9.6; 102–1, Oct. 16, 1991, p \_\_\_\_\_. Debate may be permitted by unanimous consent, however (98–2, Oct. 4, 1984, p 30042). And the chairman of a committee reporting a proposition to the House with the recommendation that it be tabled is entitled to recognition for debate before so moving. 6 Cannon § 412.

### Disposition of Motion

It has been established that the motion to table:

- May not be amended. 5 Hinds § 5754; 102–1, Oct. 16, 1991, p \_\_\_\_.
- May not be divided for a vote. 5 Hinds §§ 6138–6140.
- May be reconsidered pursuant to motion. 5 Hinds § 5628, 5629, 6288; 8 Cannon § 2785.
- May be repeated after intervening business (5 Hinds §§ 5398–5400), but a call of the House alone is not considered sufficient “intervening business.” 5 Hinds § 5401.

## § 7. Collateral Matters Carried to the Table

A bill or other proposition may be carried to the table when the House votes to table a proposal that is closely related thereto. Thus, when a proposed amendment to a pending measure is tabled, the pending measure also goes to the table. 5 Hinds §§ 5423, 5424; 8 Cannon § 2656. This rule is applied even where a Senate amendment to a House bill is tabled. 5 Hinds § 5424. The tabling of a bill has been held to result in the tabling of a pending motion to print the bill. 5 Hinds § 5426. However, the tabling of a proposition will not take to the table those pending motions which are “entirely independent” thereof. Thus it has been held that the tabling of a motion to postpone consideration of a Senate amendment does not carry to the table with it pending motions for disposition of the amendment. 8 Cannon § 2657. The tabling of a proposal will not result in the tabling of a connected matter

unless it is directly and intimately related thereto. 8 Cannon § 2658. It has been held, for example, that:

- The tabling of an amendment to the Journal does not carry the Journal to the table. 5 Hinds §§ 5435, 5436.
- The tabling of a proposition for adverse disposition of a pending matter does not carry to the table the matter proposed to be disposed of. 8 Cannon § 2660.
- The tabling of a motion to reconsider a vote does not carry with it the proposition voted on. 8 Cannon §§ 2652, 2659.
- A motion to instruct conferees may be tabled without carrying to the table the bill in disagreement. 8 Cannon § 2658.
- The tabling of a resolution providing for the final disposition of an impeachment proceeding does not carry such proceeding to the table with the resolution. 6 Cannon § 538.
- A preamble may be tabled without carrying with it accompanying resolutions already agreed to. 5 Hinds § 5430.
- The tabling of a resolution does not take with it a connected resolution already agreed to. 5 Hinds § 5428.
- The tabling of a motion to receive a petition does not carry the petition with it. 5 Hinds §§ 5431–5433.
- The tabling of an appeal from a decision of the Speaker on a question of order does not carry with it the matter that was pending when the question of order arose. 5 Hinds § 5434.

A motion to refer or a motion to recede and concur in a Senate amendment in disagreement may be laid on the table without carrying the pending matter to the table since other motions remain available for disposition of the pending amendment. *Manual* § 785.

### **§ 8. Taking From the Table; Reconsideration**

With the exception of questions of privilege (5 Hinds §§ 5438, 5439), propositions to impeach (3 Hinds § 2049), and bills vetoed by the President (5 Hinds § 5439), a matter once laid on the table can be taken therefrom only by unanimous consent (Deschler Ch 23 §§ 13.1, 13.2) or the motion to suspend the rules (5 Hinds § 6288). Since the motion to take from the table does not enjoy privileged status, a single Member, by demanding that business proceed in regular order, may prevent the consideration of the motion. 5 Hinds § 5381. However, an affirmative vote on a motion to table may be reconsidered pursuant to a timely motion therefor. 5 Hinds § 5628; 8 Cannon § 2785. Moreover, a measure that has been tabled by the House may be presented again in similar but not identical form. 4 Hinds § 3385.